

1 AN ACT concerning civil procedure.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Code of Civil Procedure is amended by  
5 changing Section 2-201 as follows:

6 (735 ILCS 5/2-201) (from Ch. 110, par. 2-201)

7 Sec. 2-201. Commencement of actions - Forms of process.

8 (a) Every action, unless otherwise expressly provided by  
9 statute, shall be commenced by the filing of a complaint. The  
10 clerk shall issue summons upon request of the plaintiff. The  
11 form and substance of the summons, and of all other process,  
12 and the issuance of alias process, and the service of copies  
13 of pleadings shall be according to rules.

14 (b) One or more duplicate original summonses may be  
15 issued, marked "First Duplicate," "Second Duplicate," etc.,  
16 as the case may be, whenever it will facilitate the service  
17 of summons in any one or more counties, including the county  
18 of venue.

19 (c) Waiver of service.

20 (1) A defendant who waives service of a summons  
21 does not thereby waive any objection to the venue or to  
22 the jurisdiction of the court over the person of the  
23 defendant.

24 (2) An individual, partner, partnership,  
25 association, voluntary unincorporated association, or  
26 corporation that receives notice of an action in the  
27 manner provided in this subsection (c) has a duty to  
28 avoid unnecessary costs of serving the summons. To avoid  
29 costs, the plaintiff may notify such a defendant of the  
30 commencement of the action and request that the defendant  
31 waive service of a summons. The notice and request:

1           (A) shall be in writing and shall be addressed  
2           directly to the defendant, if an individual, or else  
3           to an officer or managing or general agent (or other  
4           agent authorized by appointment or law to receive  
5           service of process) of a corporation, association,  
6           or voluntary unincorporated association;

7           (B) shall be dispatched through first-class  
8           mail or other reliable means;

9           (C) shall be accompanied by a copy of the  
10           complaint and shall identify the court in which it  
11           has been filed;

12           (D) shall inform the defendant of the  
13           consequences of compliance and of a failure to  
14           comply with the request;

15           (E) shall set forth the date on which request  
16           is sent;

17           (F) shall allow the defendant a reasonable  
18           time to return the waiver, which shall be at least  
19           30 days from the date on which the request is sent,  
20           or 60 days from that date if the defendant is  
21           addressed outside the State of Illinois; and

22           (G) shall provide the defendant with an extra  
23           copy of the notice and request, as well as a prepaid  
24           means of compliance in writing.

25           If a defendant located within the United States fails to  
26           comply with a request for waiver made by a plaintiff, the  
27           court shall impose the costs subsequently incurred in  
28           effecting service on the defendant unless good cause for  
29           the failure be shown.

30           (3) A defendant that, before being served with  
31           process, timely returns a waiver so requested is not  
32           required to serve an answer to the complaint until 60  
33           days after the date on which the request for waiver of  
34           service was sent, or 90 days after that date if the

1 defendant was addressed outside the United States.

2 (4) When the plaintiff files a waiver of service  
3 with the court, the action shall proceed, except as  
4 provided in paragraph (3), as if a summons and complaint  
5 had been served at the time of filing the waiver, and no  
6 proof of service shall be required.

7 (5) The costs to be imposed on a defendant under  
8 paragraph (2) for failure to comply with a request to  
9 waive service of a summons shall include the costs  
10 subsequently incurred in effecting service under this  
11 Part 2, together with the costs, including a reasonable  
12 attorney's fee, of any motion required to collect the  
13 costs of service.

14 (Source: P.A. 82-280.)